



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

JAN 05 2017

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Thomas F. Ferrell II, President  
Dominion Resources Inc.  
120 Tredegar Street  
Richmond, VA 23219

Re: Information Requirement for Dominion Resources, Inc.

Dear Mr. Ferrell:

Enclosed is an Information Requirement issued to Dominion Resources, Inc. (Dominion). The United States Environmental Protection Agency (EPA) is authorized under Section 308 of the Clean Water Act (CWA or the Act), 33 U.S.C. § 1318, to require reports and other information necessary to carry out the purposes of the Act. You should read the Information Requirement carefully as it provides instructions and deadlines for certain information to be provided to EPA.

Compliance with this Information Requirement is mandatory. Failure to respond fully and truthfully to the Information Requirement in accordance with deadlines set forth in the Information Requirement, or to adequately justify such failure to respond, can result in enforcement action by EPA pursuant to Section 309 of the Act, 33 U.S.C. § 1319. EPA is authorized to seek the imposition of penalties up to \$51,570 for each day of continued noncompliance with the Information Requirement. Please be further advised that the provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

You may assert a business confidentiality claim covering all or part of the information required herein in the manner described in 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no claim of confidentiality accompanies the information required herein when it is received, EPA may make the information available to the public without further notice to you.

This Information Requirement is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35 (See 5 C.F.R. § 1320.3(c)).



If you have any questions, please do not hesitate to contact me or have your staff contact Mr. Douglas Frankenthaler at 215-814-2472 and [Frankenthaler.douglas@epa.gov](mailto:Frankenthaler.douglas@epa.gov) or Mr. Mark Zolandz at 215-814-2319 and [zolandz.mark@epa.gov](mailto:zolandz.mark@epa.gov).

Sincerely,



David B. McGuigan, Associate Director  
Office of NPDES Permits & Enforcement  
Water Protection Division

Enclosure

cc w/encl.: Kathleen O'Connell, VA DEQ

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029**

In The Matter of:

Dominion Resources, Inc.  
120 Tredegar Street  
Richmond, VA 23219

Respondent

Proceeding under Section 308 of the  
Clean Water Act, 33 U.S.C. § 1318

**INFORMATION REQUIREMENT**

**I. STATUTORY AUTHORITY**

1. This Information Requirement is issued under the authority vested in the United States Environmental Protection Agency (EPA) by Section 308 of the Clean Water Act (CWA or Act), 33 U.S.C. § 1318. The Administrator of the EPA has delegated this authority to the Regional Administrator of EPA Region III, who in turn has delegated it to the Director of the Water Protection Division of EPA Region III who in turn has delegated it to the Associate Director of the Office of National Pollutant Discharge Elimination System (NPDES) Permits and Enforcement. EPA hereby requires that Dominion Resources, Inc. (Dominion) provide detailed information regarding compliance with the CWA.

**II. STATUTORY AND REGULATORY BACKGROUND**

2. EPA is authorized under Section 308 of the CWA, 33 U.S.C. § 1318, to require owners and operators of point sources to establish records and make such reports as may be necessary to carry out the purpose of the Act, including but not limited to:
  - (a) Developing or assisting in the development of any effluent limitation, or other limitation, prohibition, effluent standard, pretreatment standard, or standard of performance under the CWA;
  - (b) Determining whether any person is in violation of any such effluent limitation, or other limitation, prohibition or effluent standard, pretreatment standard, or standard of performance;
  - (c) Any requirement under Section 308 of the CWA; and

- (d) Carrying out Sections 305, 311, 402, 404, and 504 of the CWA.
3. Any failure to respond as directed is punishable under the civil and criminal provisions of Section 309 of the Act, which provide for the assessment of penalties, injunctive relief and imprisonment.
  4. Respondent may, if it so desires, assert a business confidentiality claim covering all or part of the information requested herein in the manner described in 40 C.F.R. Section 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent and by means of the procedures set forth in Subpart B, 40 C.F.R. Part 2. If no claim of confidentiality accompanies the information requested herein when it is received by EPA, it may be made available to the public by EPA without further notice. This inquiry is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act, 44 U.S.C. Chapter 35. (See 5 C.F.R. § 1320.3(c)).

### **III. INSTRUCTIONS**

5. Provide a separate narrative response for each question and for each subpart of each question set forth below. Precede each answer with the corresponding number of the question to which it responds.
6. Identify each person responding to any question contained in this Information Requirement on behalf of Respondent, as well as each person consulted in the preparation of the response.
7. For each question, identify each document consulted, examined, or referred to in the preparation of the response or that contains information responsive to the question, and provide a true and correct copy of each such document if not provided in response to another specific question.
8. Indicate on each document produced in response to this Information Requirement, or in some other reasonable manner, the number of the question to which it corresponds.
9. If tabulation is required, provide your response in tabular form in both hard copy and as an electronic spreadsheet file in Microsoft Excel format.
10. If requested information or documents are not known or are not available at the time of your response to this Information Requirement, but later become known or available, Respondent must supplement its response to EPA. Moreover, should Respondent find at any time after submission of its response that any portion is or becomes false, incomplete,

or misrepresents the facts; Respondent must provide EPA with a corrected response as soon as possible.

11. Section 308 of the Act, 33 U.S.C. § 1318, requires Respondent to provide accurate and complete information in response to the questions contained in this request. All submissions provided pursuant to this Section 308 Requirement shall be signed and dated by a responsible official of Dominion and must include the following certification:

***"I certify that the information contained in or accompanying this submission is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. I certify as having responsibility for the persons who, acting under my direct instruction, made the verification that this information is true, accurate, and complete."***

Signed \_\_\_\_\_  
Title \_\_\_\_\_

12. Submit your response to:

Mr. Mark Zolandz (3WP42)  
NPDES Enforcement Branch  
Water Protection Division  
U. S. Environmental Protection Agency  
1650 Arch Street  
Philadelphia, PA 19103

13. If you have questions regarding this Information Requirement, you may contact Mr. Zolandz of the NPDES Enforcement Branch at (215) 814-2319.

#### **IV. DEFINITIONS**

14. The terms "document" and "documents" shall mean any format that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hard copy, including any form or format of these types. If in computer format or memory, each such document shall be provided in a translated form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include: (a) a copy of each document which is not an exact duplicate of a document which is provided; (b) each copy which has any writing, notation, or the like on it; (c) drafts; (d) attachments to



or enclosures with any document; and (e) every other document referred to or incorporated into each document. With respect to publicly available documents (e.g. documents available on the Dominion website), Dominion may provide a hyperlink to those documents, rather than a copy of the documents.

15. The term “identify” with respect to a natural person means to provide that person’s name, address, telephone number, title, and relationship to Dominion. The term “identify” with respect to a business entity means to provide that entity’s name, address, and relationship to Dominion, and to provide the name, address, telephone number, and title of an individual who can provide information related to, and on behalf of, the entity.
16. The term “day” shall mean a calendar day. In computing any period of time under this Information Requirement pursuant to Section 308, where the last day would fall on a Saturday, Sunday, federal or state holiday, the period shall run until the close of the next business day.
17. The term “Dominion” shall mean Dominion Resources Inc. and all corporate parents, subsidiaries or affiliates such as Virginia Electric and Power Company, Dominion Virginia Power, Dominion Energy, and Dominion Generation.
18. The term “coal combustion residuals (CCR)” as defined at 75 FR 35137 shall mean fly ash, bottom ash, boiler slag, and flue gas desulfurization materials.

#### **V. INFORMATION REQUIRED**

AND NOW, this 5<sup>TH</sup> day of JANUARY, 2017, Respondent is hereby directed, pursuant to Section 308 of the Act, 33 U.S.C. § 1318, to provide the following information, no later than 30 days from the effective date of this Information Requirement.

19. Identify all power stations and electric generating stations (SIC Code 4911) that are owned and/or operated by Dominion (Power Stations). For each power station, please identify the station name, location, latitude/longitude, primary fuel type, and NPDES permit number.
20. Identify all coal ash disposal locations, CCR ponds and CCR landfills associated with the Power Stations identified in Request 19.
21. Describe Dominion’s plans for pond closure for each of the CCR ponds identified in Request 20, including the schedule and current status of each CCR pond.

22. Provide electronic copies of all CCR closure plans that have been submitted to the Virginia Department of Environmental Quality (DEQ). Identify which CCR closure plans have been approved by DEQ, and provide copies of all correspondence from DEQ approving the CCR closure plans.
23. Identify the dates when each CCR pond was or will be dewatered for the purpose of closure (hereinafter, to dewater means discharge for the purpose of closure or closure preparation).
24. Provide copies of the sampling plans associated with each CCR closure plan, including sampling of discharges during the dewatering process.
25. Provide all water sample results associated with the decanting process for each CCR pond.
26. Identify all NPDES permits associated with other facilities that are owned and/or operated by Dominion, such as landfills used for CCR storage or disposal.
27. Provide a table of all exceedances of effluent limits for all NPDES Permits identified in Request 19 and Request 26 above for the time period January 1, 2011 through the present. The table should include, at a minimum, the columns shown below.

Facility Name	NPDES Permit	Date of exceedance	Location of exceedance (outfall number)	Parameter exceeded	Type of Parameter (Monthly = M, Daily = D, Instantaneous = I)	Permit Limit	Reported Value

28. Identify any other known NPDES permit violations that have been communicated by DEQ to Dominion, including warning letters, notices of violation, orders, issuance of penalties, or other enforcement actions.
29. Identify and provide a description of how Dominion ensures compliance with environmental and public health obligations, including the CWA, at each of the Power Stations. Include a description of and copies of any standard operating procedure (SOP) or environmental management system (EMS) or similar plan currently in place or used at each Power Station to address environmental compliance. For each such SOP or EMS,

identify and provide copies of the EMS, SOP, or similar plan in place at each Power Station currently and since January 1, 2010, including:

- a. When the SOP or EMS was first prepared and used at each Power Station;
- b. What, if any SOP or EMS was in place and used before the current SOP and EMS; and,
- c. Who prepared the EMS, SOP or similar plan.

30. Describe the environmental compliance training Dominion currently provides to its employees responsible for CWA compliance at each Power Station. Include:

- a. The frequency with which training occurs;
- b. How long Dominion has had its current training protocol in place;
- c. Copies of any training materials used and evidence that training occurred (training sign in sheets and related information); and,
- d. A description of any environmental compliance training that has been provided at each Power Station since January 1, 2010.

31. For calendar years 2014, 2015, 2016, for the below Dominion construction sites, provide 1) all self-inspection reports required by the NPDES permit number VAR 10 for discharges of stormwater from construction activities and 2) all documents issued by the Commonwealth, County and/or local authority to Dominion that identify noncompliance with the NPDES permit, including any warning letters, notices of violation (NOVs), compliance orders or similar documents:

- a. Brunswick Power Station – VAR100578
- b. Louisa Solar Project – VAR10I424
- c. Hollymead 230kV (Utility Line) – VAR100076
- d. Bremo Power Station – VAR10H875
- e. Dominion Ash Haul Road and Bridge over Proctor's Creek – VAR10G662
- f. Line 84 Red House Tap Rebuild – VAR10D652
- g. Scott Solar Project – VAR10I027




h. TL 4 Bremo Junction Rebuild – VAR10H648

**VI. EFFECTIVE DATE**

32. The effective date of this Information Requirement shall be the date it is received by Dominion.

Date: 1/5/2017

A handwritten signature in blue ink, appearing to read "David B. McGuigan", is written over a horizontal line.

David B. McGuigan, Ph.D.  
Associate Director  
Office of NPDES Permits & Enforcement  
Water Protection Division

